

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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JUL 11 2002

Illinois Commerce Commission  
RAIL SAFETY SECTION

County of Will, Illinois; Department of Highways, )  
)  
Petitioner )  
)  
v. )  
)  
Burlington Northern and Santa Fe Railway Company )  
and State of Illinois Department of Transportation, )  
)  
Respondents. )  
)  
Petition for an Order of the Illinois Commerce )  
Commission Authorizing the establishment of a )  
separation of grades and construction of a bridge )  
carrying Arsenal Road, a Will County highway, Will )  
County, Illinois, over the tracks of said Railway )  
Company, apportioning costs thereof and directing an )  
appropriate portion thereof to be borne by the Grade )  
Crossing Protection Fund. )

Docket No. T02-0002

**DEPARTMENT'S EXCEPTIONS TO ADMINISTRATIVE  
LAW JUDGE'S PROPOSED INTERIM ORDER**

NOW COMES Respondent, State of Illinois, Illinois Department of Transportation ("Department") by and through its attorney James E. Ryan, Attorney General and files the following Exceptions in response to the Administrative Law Judge's Proposed Interim Order served on the parties on or near June 24, 2002.

1. The sixth full paragraph on page 2 of the proposed interim order should be amended to properly reflect testimony during the hearing which estimated the project cost at approximately \$10,000,000. The proposed interim order indicates \$7,750,000.
2. Finding No. 10 on page 3 of the proposed order is inaccurate and should be deleted. The following language should be inserted in lieu thereof:

"(10) permission should be granted for the construction of a bridge carrying Arsenal Road in Will County, Illinois over the tracks of the Railway."

3. The fourth ordering provision on page 4 of the proposed interim order is inaccurate and should be deleted in its entirety and replaced with the following language:

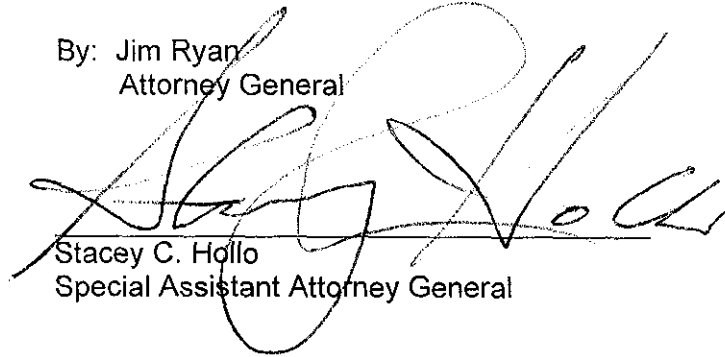
All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads, and Streets, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill:."

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All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24<sup>th</sup> month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

Respectfully submitted,  
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Jim Ryan  
Attorney General



Stacey C. Hollo  
Special Assistant Attorney General

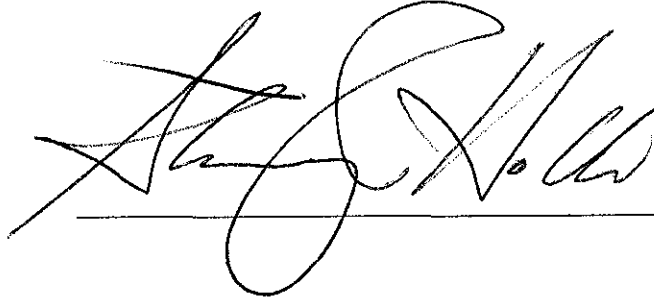
Dated

July 8, 2002

Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 311  
Springfield, Illinois 62764  
Telephone (217)782-3215

## PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instruments were served upon the addressees listed below by mailing a true and correct copy of each via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 8th day of July 2002:



Ms. June B. Tate  
Administrative Law Judge  
Illinois Commerce Commission  
8<sup>th</sup> Floor  
160 N. LaSalle Street  
Chicago, Illinois 60601

*Fax: (312) 814-1818*

Mr. Michael L. Sazdanoff  
Kenneth J. Wysoglad & Associates  
118 South Clinton Street, Suite 700  
Chicago, Illinois 60661

Sheldon C. Latz  
Will County Highway Engineer  
16841 West Laraway Road  
Joliet, IL 60433

Mary M. Tatroe  
States' Attorney  
Will County  
121 N. Chicago Street  
Joliet, IL 60432

Henry Humphries  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

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NOTICE OF FILING

TO: Ms. June B. Tate, ALJ  
Mr. Michael L. Sazdanoff, (BNSF)  
Sheldon C. Latz, Will Co.  
Mary M. Tatroe, State's Atty.  
Henry Humphries, ICC

PLEASE TAKE NOTICE that I have this 8th day of July 2002, forwarded to Mr. Kevin Sharpe, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, a Entry of Appearance, Motion For Extension of Time To File Exceptions and the Department's Exceptions To Administrative Law Judge's Proposed Interim Order; a copy of each is attached hereto and hereby served upon you.

  
Stacey C. Hollo  
Special Assistant Attorney General  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Counsel for the Illinois  
Department of Transportation